



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Srikanth Natarajan et al.)
Application No.: 09/838,205) Group Art Unit: 2145
Filed: April 20, 2001) Examiner: TANIM M HOSSAIN
For: METHOD AND SYSTEM FOR)
IDENTIFYING EVENT SOURCE)
IN DUPLICATE IP NETWORKS)
)
)

SUBSTITUTE APPEAL BRIEF UNDER 37 C.F.R. §41.37**Mail Stop APPEAL BRIEF - PATENTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On December 21, 2006, the U.S. Patent and Trademark Office issued a Notification of Non-Compliant Appeal Brief in which the Board of Patent Appeals and Interferences identified certain 37 C.F.R. §41.37 non-compliance issues in the Appellants' original Appeal Brief as filed on September 22, 2006. This appeal is to present a substitute copy of Appeal Brief that is compliant with 37 C.F.R. §41.37 in response to the December 21 Notification. Since the Appeal fee was previously paid on September 22, 2006, no fee is believed to be required for filing the Substitute Appeal Brief.

I. Real Party in Interest

The present application is assigned to Hewlett-Packard Company. Hewlett-Packard Company is the real party in interest, and is the assignee of Application No. 09/838,205.

II. Related Appeals and Interferences

The Appellants' legal representative, or assignee, does not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of Claims

The claims currently pending in this application are Claims 1-7, all of which stand finally rejected. Claims 1-7 are being appealed.

IV. Status of Amendments

No amendments were filed after final rejection.

V. Summary Claimed Subject Matter

As recited in independent claim 1, a method for identifying the source of an event in a computer network is disclosed. Such a method is encompassed by claim 1, and includes the Fig. 2 steps of associating an identifier tag with an event (block 205) occurring within the computer network (e.g., lines 2-4 of paragraph [0019]), wherein the identifier tag uniquely identifies at least one collection computer monitoring the event based on a domain name (e.g., lines 4-5 of paragraph [0019]); receiving, in at least one management computer, information from the at least one collection computer (e.g., 120, 125, 130 and 135) that includes the identifier tag (block 210; e.g., lines 1-3 of paragraph [0023]); deriving, by the at least one management computer (105, lines 1-2 of paragraph [0023]), an identification of the

at least one collection computer from the identifier tag (block 215; e.g., lines 1-3 of paragraph [0024]) based on the domain name; and identifying to a user the source of the event using the identification (block 220; e.g., lines 1-2 of paragraph [0025]) of the at least one collection computer, the at least one collection computer being at least one of a collection computer and a group of collection computers (e.g., lines 5-7 of paragraph [0025]).

Dependent claim 4 depends from independent claim 1. Dependent claim 4 recites that the step of identifying (block 220; line 1 of paragraph [0025]) comprises the step of: displaying to the user the identification of the at least one collection computer and a network address of a network element that generated the event (e.g., lines 9-12 of paragraph [0025] and lines 5-6 of paragraph [0026]).

Dependent claim 5 depends from independent claim 1. Dependent claim 5 recites that the step of identifying (block 220; line 1 of paragraph [0025]) comprises the step of: mapping each collection computer to a group of collection computers using the identifier tag (lines 6-7 of paragraph [0025]); and identifying to the user the source of the event using the group of collection computers and a network address of a network element that generated the event (lines 8-10 of paragraph [0025]).

Independent claim 7 is directed to a system for identifying the source of an event in a computer network (e.g., lines 1-2 of paragraph [0010]). As exemplified in Fig. 1, claim 7 recites a plurality of collection computers (e.g., 120, 125, 130 and 135), wherein an identifier tag uniquely identifies each collection computer or group of collection computers based on a domain name (e.g., lines 2-7 of paragraph [0025]), and wherein the identifier tag is associated with an event occurring within the computer network (e.g., line 5 of paragraph [0023] and line 1 of paragraph [0025]); at least one management computer (e.g., 105) for receiving information from the plurality of collection computers that includes the identifier tag (e.g., lines 1-3 of paragraph [0023], wherein each management computer derives an identification of each collection computer or group of collection computers from the identifier tag based on the domain name (e.g., lines 2-7 of paragraph [0025])); and means for identifying to a user the source of the event using the identification of each collection computer or group of collection computers (e.g., 140, 145; e.g., lines 8-11 of paragraph [0018] and line 11 of paragraph [0025]).

VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action presents the following grounds of rejection to be reviewed on appeal:

A. Claims 1-3, 6 and 7 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,425,008 (Lecheler et al.); and

B. Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Lecheler et al. patent.

VII. Argument

Independent claims 1 and 7 are allowable over U.S. Patent 6,425,008 (Lecheler et al.). The Lecheler et al. patent does not teach or suggest Appellants' claimed features of: (1) deriving, by at least one management computer, an identification of at least one collection computer from an identifier tag based on a domain name; and (2) identifying to a user the source of the event using the identification of the at least one collection computer, the at least one collection computer being at least one of a collection computer and a group of collection computers. Independent claims 1 and 7 are therefore allowable.

A. The Lecheler et al. Patent Does Not Disclose Each And Every Element Recited In The Claims.

The rejection under 35 U.S.C. §102(e) based on the Lecheler et al. patent cannot stand because the Lecheler et al. patent fails to either expressly or inherently disclose a number of features recited in independent claims 1 and 7. Additionally, the dependent claims recite combinations of features defining combinations of separately patentable subject matter not disclosed in the Lecheler et al. patent. To anticipate the claimed invention, the cited document must disclose each and every feature set forth in the claimed combination of features (see, MPEP § 2131).

Appellants have disclosed that when a management computer receives event information including the identifier tag and when the management computer needs to display or use the source of an event, the management computer can, for example, derive the domain name of the collection computer from the identifier tag contained in the event (see, e.g., the specification at paragraph [0024]). The identifier tag can

be, for example, the name or domain name of the at least one collection computer, even if there is a group of collection computers sharing a like identity (e.g., specification at paragraph [0019]). As exemplified in Fig. 1, more than one collection computer (e.g., 120 and 125) can monitor a single event from a single domain (CO) to identify the source of an event in a computer network.

The foregoing features are broadly encompassed by claims 1 and 7. For example, the Lecheler et al. patent does not disclose or suggest "deriving, by the at least one management computer, an identification of at least one collection computer from the identifier tag based on a domain name; and identifying to a user the source of an event using the identification of the at least one collection computer, the at least one collection computer being at least one of a collection computer and a group of collection computers," as recited in claim 1.

The Lecheler et al. patent discloses remote management of private networks having duplicate network addresses (title). As shown in Fig. 1, a single Level 1 manager (e.g., 34) is connected to a customer network (e.g., 16). Clearly, as illustrated in Fig. 1, the Lecheler et al. patent does not teach or suggest a collection of Level 1 managers (e.g., 34, 36 and 38) sharing a like identity. Instead, the Lecheler et al. patent uses a level one manager 34 to detect errors within a customer domain 12, and to produce an error signal as well as a unique location identifier. See column 4, lines 15-42. As apparent from Fig. 1, the overall construct of hierarchical connections between the private networks 16, level one manager 34 and the level 2 manager 40 as taught by the Lecheler et al. patent does not allow multiple level 1 managers (e.g., 34) receiving event reports occurring in a single private network (e.g., 16). Accordingly, the one-on-one connection between a private network and a level 1 manager as taught by the Lecheler et al. patent does not allow more than one level 1 manager monitoring a single event from a single private network.

The Lecheler et al. patent explicitly sought to gain its advantage from "limiting the customer domain linked to a level one manager to managed customer networks with unique network addresses" (col. 4, lines 34-38). This is an explicit limitation that teaches away from Appellants' claimed feature of identifying to a user the source of the event using the identification of the at least one collection computer, the at least

one collection computer being at least one of a collection computer and a group of collection computers, as recited in claim 1. See, *also*, claim 7.

For the foregoing reasons, Appellant's claims 1 and 7 are allowable over the Lecheler et al. patent. The remaining claims depend from independent claim 1 and recite additional advantageous features which further distinguish over the Lecheler et al. patent relied upon by the Examiner. Hence, for these additional reasons, the Lecheler et al. patent fails to disclose each and every limitation set forth in independent claims 1 and 7, and hence also in claims depending from these independent claims.

For at least these reasons, the rejection of independent claims 1 and 7 is improper. Accordingly, the rejection should be reversed.

B. The Examiner Has Failed To Establish A Prima Facie Case of Obviousness Based on the Lecheler et al. Patent To Reject dependent Claims 4 And 5.

On page 4 of the Office Action, dependent claims 4 and 5 are rejected as being unpatentable over the Lecheler et al. patent. This rejection is respectfully traversed.

Claims 4 and 5 depend from independent claim 1 and recite additional advantageous features which further distinguish over the Lecheler et al. patent relied upon by the Examiner. Appellants have argued that the Lecheler et al. patent does not teach or suggest, among other claimed features, identifying to a user the source of an event using the identification of the at least one collection computer, the at least one collection computer being at least one of a collection computer and a group of collection computers, as recited in claim 1, and as similarly recited in claim 7. For the like reasons, the Lecheler et al. patent fails to teach or suggest displaying to the user the identification of the at least one collection computer and a network address of a network element that generated the event, as recited in claim 4; and the steps of mapping each collection computer to a group of collection computers using the identifier tag, and identifying to the user the source of the event using the group of collection computers and a network address of a network element that generated the event, as recited in claim 5.

For the foregoing reasons, the Examiner has not established a *prima facie* case of obviousness in rejecting dependent claims 4 and 5. Hence, dependent claims 4 and 5 are allowable over the Lecheler et al. patent.

For at least these reasons, the rejection of dependent claims 4 and 5 is improper. Accordingly, the rejection should be reversed.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.

XI. CONCLUSION

The Examiner has failed to establish that the Lecheler et al. patent teaches each and every element of independent claims 1 and 7; and has not established a *prima facie* case of obviousness in rejecting dependent claims 4 and 5. A reversal of the final rejection, and allowance of the present application, are therefore requested.

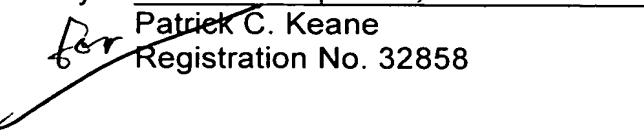
Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC


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Date January 10, 2007

By:

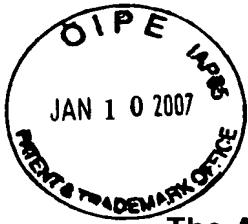

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VIII. CLAIMS APPENDIX

TheAppealed Claims

1. A method for identifying the source of an event in a computer network, comprising the steps of:
 - associating an identifier tag with an event occurring within the computer network, wherein the identifier tag uniquely identifies at least one collection computer monitoring the event based on a domain name;
 - receiving, in at least one management computer, information from the at least one collection computer that includes the identifier tag;
 - deriving, by the at least one management computer, an identification of the at least one collection computer from the identifier tag based on the domain name; and
 - identifying to a user the source of the event using the identification of the at least one collection computer, the at least one collection computer being at least one of a collection computer and a group of collection computers.

2. The method of claim 1, wherein the identifier tag is a name of the at least one collection computer.
3. The method of claim 1, wherein the step of deriving comprises the step of:
maintaining within the at least one management computer a database of identification information associated with identifier tags.
4. The method of claim 1, wherein the step of identifying comprises the step of:

displaying to the user the identification of the at least one collection computer and a network address of a network element that generated the event.

5. The method of claim 1, wherein the step of identifying comprises the step of:

mapping each collection computer to a group of collection computers using the identifier tag; and

identifying to the user the source of the event using the group of collection computers and a network address of a network element that generated the event.

6. The method of claim 1, further comprising the steps of:

managing, by the collection computer, at least one network object; and

resolving, by the collection computer, a network address of each network object into a resolved network address included in the information received at the at least one management computer.

7. A system for identifying the source of an event in a computer network, comprising:

a plurality of collection computers, wherein an identifier tag uniquely identifies each collection computer or group of collection computers based on a domain name, and wherein the identifier tag is associated with an event occurring within the computer network;

at least one management computer for receiving information from the plurality of collection computers that includes the identifier tag, wherein each management

computer derives an identification of each collection computer or group of collection computers from the identifier tag based on the domain name; and

means for identifying to a user the source of the event using the identification of each collection computer or group of collection computers.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.